

REMARKS

Claims 1-15 are pending in the application, of which claims 1 and 13-15 are independent. Claims 1 and 13-15 have been amended. No new matter has been added. Reconsideration and further examination are respectfully requested.

Claims 1-13 were rejected under 35 U.S.C. § 101 as being nonstatutory because they “recite a method (process) while lacking necessary language (e.g., the recitation of hardware) to tie the method with a statutory category (i.e., a particular apparatus in accordance with MPEP 2106.IV.B) of invention.” Without conceding the correctness of this rejection, and solely to advance prosecution of the present claims, Applicant has amended claims 1 and 13. Applicant respectfully submits that the 35 U.S.C. 101 rejection be withdrawn.

Claims 1, 2, 6-8 and 10-15 were rejected under 35 U.S.C. § 102(e) as being taught by U.S. Patent No. 6,662,194 (Joao). Claims 3-5 were rejected under 35 § U.S.C. § 103(a) as being unpatentable over Joao in view of U.S. Patent No. 6,968,513 (Rinebold). Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Joao in view of U.S. Patent No. 6,868,389 (Wilkins). Reconsideration and withdrawal of the rejections are respectfully requested for at least the following reasons.

According to the method recited in claim 1, inquiry data is received, the inquiry data is related to an inquiry of a user with a listing service about a listing posted by an entity other than the user. A user’s lead is created in response to the user’s inquiry using the received inquiry data, the user’s lead is to be pursued by the user that makes the inquiry with the listing service. The user’s lead is stored as a lead record in a database. Using information from the lead record, an action record is created each time an action to be taken in furtherance of the user’s lead is identified, and the action record is stored in the database. The lead and action records comprise information to provide the user with a status of the user’s lead. A user interface is communicated to the user that comprises information from the lead and action records and information related to the user’s lead received from one or more ancillary services.

Joao is understood to disclose an apparatus and method for providing job searching services, recruitment services and/or recruitment-related services for respective individuals, employees, independent contractors, freelancers, employers and/or hiring entities. Joao fails to teach, suggest or disclose creating an action record using information from the user’s lead each time an action to be taken in furtherance of the user’s lead is identified, and storing the action

record in the database, as claimed in amended independent claim 1. Joao provides job searching services, recruitment services and/or recruitment-related services. The Office Action refers to Joao's fig. 5A, col. 15, lines 5-8, and col. 23, lines 39-46 as disclosing these features. Applicant respectfully disagrees. Col. 15, lines 5-8 of Joao discloses information including certain jobs and/or events and/or occurrences for which an individual may desire to be notified. Col. 23, lines 39-46 disclose that if it is determined that an employer is interested in pursuing discussions with an individual, then the computer will notify the individual by transmitting a message to the individual to notify the individual. The individual can review the data and transmit a response to the computer. If the employer's response has included a request for additional and/or more specific data and/or information, the individual's response can include this information.

This is not the same as creating an action record using information from the user's lead each time an action to be taken in furtherance of the user's lead is identified, and storing the action record in the database, as claimed in amended independent claim 1. Joao does not disclose creating an action record using information from the user's lead each time an action to be taken in furtherance of the user's lead is identified, and storing the action record in the database. Joao discloses transmitting messages to an individual, but these messages are not the same as an action record. The action record is a record that is created using information from a user's lead and is stored in a database. Joao's messages, even if containing a request for additional information from an individual, are not action records that are stored in a database and can be edited by a user. Joao merely discloses storing data / information about the employer or individual in a database, (col. 22, lines 63-66), but Joao does not disclose creating an action record using information from the user's lead each time an action to be taken in furtherance of the user's lead is identified, as claimed in amended independent claim 1. Further, Joao does not disclose storing this action record in a database. Joao's storing of information in a database is not the same because Joao's information is not an action record.

Amended independent claim 1 also recites, in part, communicating a user interface accessible by the user that comprises information from the lead and action records and information related to the user's lead received from one or more ancillary services. Joao does not disclose this feature. The Office Action states that Joao discloses communicating a user interface in drawing reference 20E as well as col. 11, lines 45-53 and col. 14, lines 59-60. Drawing reference 20E of Joao is a display device. Col. 11, lines 45-53 of Joao disclose an

individual and employee, and col. 14, lines 59-60 of Joao disclose that Joao's invention facilitates more efficient access to data and/or information pertaining to an individual. These passages and drawing block of Joao do not, however, disclose communicating a user interface accessible by the user that comprises information from the lead and action records and information related to the user's lead received from one or more ancillary services, as claimed in amended independent claim 1. Joao's messages are not a user interface which comprises information from lead and action records as well as information related to the user's lead received from one or more ancillary services. As a result, independent claim 1, and the claims that depend from independent claim 1, are allowable over Joao, either alone or in combination with any other art of record. Further, independent claims 13-15 are also allowable over Joao, alone or in combination with any other art of record, for the reasons presented above.

Claims 3-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Joao in view of U.S. Patent No. 6,968,513 (Rinebold). Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Joao in view of U.S. Patent No. 6,868,389 (Wilkins). Rinebold and Wilkins each fail to teach, suggest or disclose at least the same elements not taught, suggested or disclosed by Joao.

Rinebold discloses an online interactive system comprising a business referral and income generation system linked to one or more listed web sites of businesses in a particular locality or geographical area. Wilkins describes the identification of individuals that are financially capable of making, or ready to make, a purchase for direct sales and marketing organization as "intender leads." Wilkins focuses on leads for direct sales and marketing organizations.

Neither Rinebold nor Wilkins teaches, suggests or discloses creating an action record using information from the user's lead each time an action to be taken in furtherance of the user's lead is identified, and storing the action record in the database, as claimed in amended independent claim 1. Further, neither Rinebold nor Wilkins teaches, suggests or discloses communicating a user interface accessible by the user that comprises information from the lead and action records and information related to the user's lead received from one or more ancillary services, as claimed in amended independent claim 1.

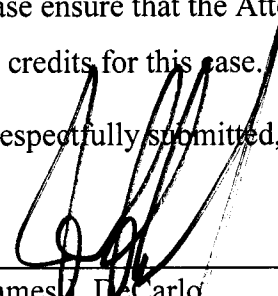
As a result, Joao, alone or in combination with Rinebold and alone or in combination with Wilkins, cannot form the basis of a proper § 103(a) rejection.

For at least the foregoing reasons, claim 1 and the claims that depend from claim 1 are believed to be in condition for allowance. In addition, for at least the same reasons, claims 13-15 are believed to be in condition for allowance. In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should matters remain which the Examiner believes could be resolved in an interview, the Examiner is requested to telephone the Applicant's representative. The Applicants' attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 76058.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referenced when charging any payments or credits for this case.

Respectfully submitted,



James J. DeCarlo
Reg. No. 36,120

Date: March 9, 2009

Customer Number 76058
GREENBERG TRAURIG, LLP
Met Life Building
200 Park Avenue, 20th Floor
New York, New York 10166
Phone: (212) 801-9200
Fax: (212) 801-6400